

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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YI SZECHENYI-JIN,

Plaintiff,

-v-

AXA EQUITABLE LIFE INSURANCE COMPANY,  
AXA EQUITABLE HOLDINGS, INC., and AXA  
EQUITABLE SEVERANCE BENEFIT PLAN,

Defendants.  
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19-CV-10472 (JMF)

ORDER

JESSE M. FURMAN, United States District Judge:

On January 27, 2020, Defendants filed a motion to dismiss the complaint under Rule 12(b) of the Federal Rules of Civil Procedure. Under Rule 15(a)(1)(B), a plaintiff has twenty-one (21) days after the service of a motion under Rule 12(b) to amend the complaint once as a matter of course.

Accordingly, it is hereby ORDERED that Plaintiff shall file any amended complaint by **February 17, 2020**. Plaintiff will not be given any further opportunity to amend the complaint to address issues raised by the motion to dismiss.


If Plaintiff does amend, by three (3) weeks after the amended complaint is filed, Defendants shall: (1) file an answer; (2) file a new motion to dismiss; or (3) file a letter on ECF stating that it relies on the previously filed motion to dismiss. If Defendants file an answer or a new motion to dismiss, the Court will deny the previously filed motion to dismiss as moot. If Defendants file a new motion to dismiss, any opposition shall be filed within fourteen days, and any reply shall be filed within seven days of any opposition.

If no amended complaint is filed, Plaintiff shall file any opposition to the motion to dismiss by **February 17, 2020**. Defendants' reply, if any, shall be filed by **February 24, 2020**. At the time any reply is served, the moving party shall supply the Court with one, double-sided courtesy hard copy of all motion papers by mailing or delivering them to the Thurgood Marshall United States Courthouse, 40 Centre Street, New York, New York.

Finally, it is further ORDERED that the initial pretrial conference previously scheduled for February 13, 2020, is adjourned *sine die*.

SO ORDERED.

Dated: January 29, 2020  
New York, New York

  
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JESSE M. FURMAN  
United States District Judge